

Arcuri, Hinchey and Hall Blast NYRI's Thruway Claims

Washington, DC - U.S. Representatives Michael A. Arcuri (D-Utica), Maurice Hinchey (D-Hurley) and John Hall (D-Dover Plains) urged the New York Public Service Commission (PSC) today to rule that New York Regional Interconnection's (NYRI) recent application re-filing is incomplete because it lacks a thorough examination of the Thruway alternative.

"As NYRI has not fully complied with the PSC's order of November 10, 2006 directing the filing of supplemental information, we respectfully request that the PSC rule that NYRI's application is not complete at this time," Arcuri, Hall, and Hinchey wrote to PSC Chairman Garry Brown. "We are deeply concerned by NYRI's repeated refusals to consider alternatives to its proposed route in good faith. We remain committed to ensuring that the PSC and New York State retain the ultimate authority in the approval and siting of electric transmission projects within New York."

In their letter, the Congressmen contend that NYRI's filing of February 21, 2008 is not in compliance with the PSC's November 10, 2006 order requiring NYRI "to perform a study of the Thruway and Marcy South alternate routes."

They point out that NYRI's claim that the Thruway route "is precluded by federal and state laws and regulations," is based solely on NYRI's own assumption that it has put forth a "feasible alternative," a determination that in fact can only be made by the federal Department of Transportation.

"NYRI's claim that their proposed route is 'feasible' does not, in itself, preclude the possibility of siting the project along the Thruway as NYRI has alleged."

The text of the letter is attached below:

February 28, 2008

Garry A. Brown, Chairman

New York State Public Service Commission

3 Empire State Plaza

Albany, NY 12223-1350

By Mail and Facsimile: (518) 473-2838

Dear Chairman Brown:

We are writing in response to the February 21, 2008 filing by New York Regional Interconnection (NYRI). On November 10, 2006, the Public Service Commission (PSC) issued an order requiring NYRI "to perform a study of the Thruway and Marcy South alternate routes and to compare the environmental, economic, financial, electrical, and other pertinent benefits or detriments of these routes to the [originally proposed] route." For the reasons described below, we contend that NYRI's application filing of February 21, 2008 is not in compliance with the PSC's November 10, 2006 order.

NYRI purports to comply with PSC's requests for this supplemental information in Appendix L of its February 21 filing. However, NYRI omits any comparison of an alternate route along the

Thruway because it claims such a route, “is precluded by federal and state laws and regulations” because NYRI’s proposed route is a “feasible alternative.” However, the federal regulation which NYRI cites (23 CFR 645.209(b)) clearly states that whether a “feasible alternative” exists is a determination which must be made by the federal Department of Transportation. NYRI’s claim that their proposed route is “feasible” does not, in itself, preclude the possibility of siting the project along the Thruway as NYRI has alleged.

As NYRI has not fully complied with the PSC’s order of November 10, 2006 directing the filing of supplemental information, we respectfully request that the PSC rule that NYRI’s application is not complete at this time. We further ask the PSC to order NYRI to fully comply with the prior order by submitting a comparison between “the environmental, economic, financial, electrical, and other pertinent benefits or detriments” of its proposed route and an alternate route along the New York State Thruway.

We are deeply concerned by NYRI’s repeated refusals to consider alternatives to its proposed route in good faith. We remain committed to ensuring that the PSC and New York State retain the ultimate authority in the approval and siting of electric transmission projects within New York.

Sincerely,

Michael A. Arcuri Maurice D. Hinchey John Hall